

**COVID-19 Mandatory Vaccination****1.3.12****PURPOSE**

On December 28, 2021, the County of Santa Clara issued a new [Public Health Order](#) wherein the County states that vaccination remains a critical component in preventing COVID-19 and its associated harms. In addition to being fully vaccinated, being "up-to-date" on vaccinations helps increase immunity to a level that provides more protection from all COVID-19 variants.

As defined in the Santa Clara County Public Health Order issued on December 28, 2021, "up-to-date" means that an employee is not only "fully vaccinated," but has also obtained any booster doses of a COVID-19 vaccination for which they are eligible, within 15 days of first becoming eligible. Employees who have tested positive for COVID-19 are eligible for a booster after symptoms resolve or after quarantine period, if asymptomatic.

**SCOPE OF APPLICATION**

This is applicable to all City officers, employees, temporary employees, unpaid interns, volunteers, contractors/vendors who provide onsite services, and members of any City of San Jose Boards, Commission or Committees.

Employees with approved medical or religious exemptions prior to January 18, 2022, are not required to reapply for exemptions related to the requirements to be up-to-date on COVID-19 vaccinations as defined above.

Employees who are vaccinated but wish to seek a medical or religious exemption from the requirement to be up-to-date on COVID-19 vaccinations may do so by contacting the Office of Employee Relations to submit a request.

**AUTHORITIES AND RESOURCES**

- Santa Clara County Public Health Office: <https://covid19.sccgov.org/public-health-orders>
- Centers for Disease Control and Prevention: [https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/essentialworker/workplace-vaccination-program.html#anchor\\_1615585395585](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/essentialworker/workplace-vaccination-program.html#anchor_1615585395585)
- California Department of Public Health: <https://www.cdph.ca.gov/>

**POLICY**

- All City employees are required to be vaccinated absent an approved medical or religious exemption as a condition of employment.
- All new hires will be required to provide proof of vaccination absent an approved medical or religious exemption prior to their start date. If a new hire is in the process of being vaccinated, their start date may be adjusted to a future date after they have been vaccinated.
- Vaccinated means the employee has received two doses of Pfizer or Moderna, or one dose of Johnson and Johnson **and** obtained any booster doses of a COVID-19 vaccination for which they are eligible, within 15 days of first becoming eligible.

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- Employees who received their second dose of the Pfizer or Moderna COVID-19 vaccine more than 5 months ago and employees who received one dose of the Johnson & Johnson COVID-19 vaccine more than 2 months ago are eligible for and must obtain a booster shot to be up-to-date by **February 11, 2022**. Those employees that are not eligible, will be required to get a booster shot within 15 days of becoming eligible. Employees who have tested positive for COVID are eligible for a booster after symptoms resolve or after quarantine period, if asymptomatic. It should be noted that sworn Fire employees are subject to different timelines as provided for in the Public Health Order. Should there be changes to the Public Health Order, all provisions in this policy would apply.
- Employees must show proof of vaccination (inclusive of boosters). Vaccination cards must include the employee's name and the date(s) the vaccine was received. The State of California QR code/digital card or copies of the vaccination card are acceptable so long this information is visible.

**Non-Compliance**

Failure to provide proof of vaccination absent an approved medical or religious exemption will result in formal disciplinary action, up to and including termination.

As a first step in the disciplinary process, employees subject to the Civil Service Rules set forth in the San Jose Municipal Code or pursuant to any discipline process set forth in an applicable Memorandum of Agreement that remain vaccinated without a booster dose, if eligible and do not have an approved medical or religious exemption will be issued a Notice of Intended Discipline (NOID) for a forty (40) hour suspension without pay. If, as part of the disciplinary process, an employee requests a *Skelly* hearing, they will be afforded a period of up to seven (7) days following the *Skelly* hearing as a final opportunity to comply with the vaccine requirement in this Policy prior to the City issuing a Notice of Discipline (NOD).

Approved:

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/s/ Jennifer Schembri  
Director of Employee Relations  
Director of Human Resources

\_\_\_\_\_  
January 20, 2022  
Date

Approved for posting:

\_\_\_\_\_  
/s/ Jennifer Maguire  
City Manager

\_\_\_\_\_  
January 20, 2022  
Date